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FITZPATRICK CELLA
HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

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OFFICE OF PETITIONS

Patent No. 7,177,168 : LETTER REGARDING
Issue Date: February 13, 2007: PATENT TERM ADJUSTMENT
Application No. 10/760,353 : AND
Filed: January 21, 2004 : NOTICE OF INTENT TO ISSUE
Atty Docket No. 00862.022392.1: CERTIFICATE OF CORRECTION

This letter is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT" filed March 29, 2007. Pursuant to patentees' duty of good faith and candor to the Office, patentees request review of the Patent Term Adjustment for the above-identified patent.

The request for reconsideration of patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of three hundred seventy-nine (379) days.

On February 13, 2007, this application matured into U.S. Patent No. 7,177,168, with a revised patent term adjustment of 430 days. Patentees give no basis for their assertion that this patent term adjustment is incorrect.

Nonetheless, a review of the application history confirms that patentees are correct that it is incorrect. A period of reduction of 63 days, not 16 days, should have been entered, pursuant to § 1.704(c)(10), for applicant delay in filing an Information Disclosure Statement (IDS) on October 5, 2006 after the mailing of the notice of allowance. The IDS did not include

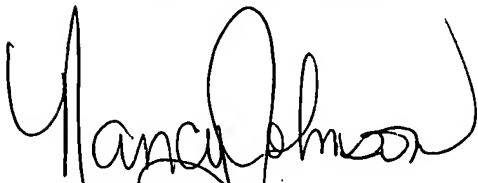
a § 1.704(d) statement. The Office took action in response to the IDS on December 6, 2006, not October 16, 2006. Accordingly, pursuant to 1.704(c)(10), a reduction of 63 days, not 12 days, for the period beginning on October 5, 2006 and ending on December 6, 2006 should have been entered.

In view thereof, the patent should have issued with a revised patent term adjustment of three hundred seventy-nine (379) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **THREE HUNDRED SEVENTY-NINE (379) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,177,168 B2
DATED : February 13, 2007
INVENTOR(S) : Toyomura et al.

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (430) days

Delete the phrase "by 430" and insert – by 379 days--